

GOVERNMENT OF MYSORE.

(LABOUR DEPARTMENT).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of H. V. R. Coffee Curing Works, Chickmagalur.

Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

1. Letter No. I.T.No. 1371/62-63, dated the 30th November/1st December, 1962, from Shri S. S. Malimath, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated this 28th day of November 1962.

Present :

Sri S. S. Malimath, B.A., LL.B.,
Presiding Officer, Bangalore.

I. D. No. 39 of 1961.

Workers of H. V. R. Coffee Curing Works, Chickmagalur,
by the Secretary, Karnataka Provincial Plantation Workers'
Union, Chickmagalur. ...

1st Party

Vs

The management of H. V. R. Coffee Curing Works,
Chickmagalur. ...

2nd Party.

AWARD.

This case has been referred to this Tribunal under Section 10 (d) of the Industrial Disputes Act, 1947, by the Government of Mysore, in their Order No. PLM 276 LLD 61, dated 28th November 1961.

2. The demands of the I Party are to be found in the copies of their letters dated 16th February 1961 and 25th February 1961, written by them to the Assistant Commissioner of Labour, Mysore. Out of the demands noted therein, only four have been referred by the Government in their order above said. The first of them refers to the fixation of the minimum wages at Rs. 4.50 per day for Maistries and at Rs. 4.00 per day for other workmen. The I party also claims bonus for the years 1958-59 and 1959-60 at the rate of four months wages each year. They claim 10 Festival Holidays and 15 days of Sick leave both with wages, for every year of service. A dispute is also raised in respect of termination of the services of one Jaleel, with effect from 30th January 1961, His reinstatement is claimed with back wages.

3. By their Rejoinder dated 30th January 1962, the Management denies all the claims made by the I Party. According to them there are no reasonable grounds for enhancement of the wages. Wages can be fixed only on industry-cum-region basis and not for one unit only of the industry. The II Party has no financial capacity to bear the additional burden. It is contended that there is no available surplus to pay any bonus. The II party urges that the claim about paid leave facilities is unreasonable. It is contended that the workman Jaleel was habitually absenting himself and was also quarrelling with his fellow workers. Besides he was negligent in the discharge of his duties. In spite of memos and warnings he absented himself from duty on 31st January 1961. Hence his services were terminated in the interest of the industry. The action is *bona fide* and proper. It is contended that the Reference about Jaleel is invalid on the ground that is not covered by the memo of demands made by the workmen.

4. On these pleadings the following issues were framed by me on 15th February 1962.

"I. (a) Whether the I Party proves that a Minimum Wage of Rs. 40-50 nP. per day for the Maistries and Rs. 4 per day for other workers should be fixed?

(b) If not, what other minimum wages may be fixed for them?

II Whether the workmen are entitled to a bonus for the years 1958-59 and/or 1959-60 at a rate of four months' wages per year OR at any lesser rate?

III Whether the workmen are entitled to 10 or lesser Festival holidays per year with wages?

IV Whether they are entitled to Sick leave with wages for 15 days or less number of days for every year of service?

V (a) Whether the II Party proves that the Reference is invalid *re*: Sri Jaleel, on the ground that no such claim is made in the Memorandum of demands?

(b) If not, do they prove that the termination of Services is justified and valid?"

5. From the beginning, the I Party has not been taking any interest in this case. After issues were framed it was fixed on 15th February 1962 for filing of affidavits at Kadur camp. On that day one Sri Ramadas was present for the I Party, but without authorisation. On his request, time was granted for filing of affidavits and the case was posted to 31st March 1962. But no affidavits were received and nothing was heard from the I Party. One more chance was given and the case posted to 30th April 1962 and the I party was informed. But no affidavits were received. Once again the case was fixed at Kadur camp on 6th August 1962 and the I Party was directed to file its affidavits. On that date, neither of the parties were present at Kadur and no affidavits were received.

6. On 21st August 1962, a letter was received from the II Party stating that the dispute had been settled out of court. An application to that effect signed by both the parties in the presence of the Notary, Chickmagalur District on 11th August 1962, was enclosed with that letter. This joint application merely stated that the parties had settled the dispute out of court and that therefore the case may be dismissed. Along with the above there was one more letter addressed to the Commissioner of Labour, Bangalore, and purported to have been signed in original by the Manager of the I Party and by twelve workmen including Abdul Jalcel noted in that letter. It is also dated 11th August 1962. It states that the eleven workmen concerned in this case should each get the amount as per schedule mentioned. It also states that the said workmen will have no other claims with the management and that the matter may be considered as closed.

7. On 21st August 1962 this Tribunal directed that a copy of the above letter should be sent to the I Party and that they should be asked if the matter is settled and if the case should be dismissed. No reply was received till 9th September 1962 on which date the case was fixed for their reply. By another letter dated 6th October 1962 the I Party was asked to give a reply as above on or about 16th October 1962. This was sent by registered post and the acknowledgment signed by the Secretary of the Union was received on 10th October 1962. But no reply was received from the I Party. On 17th October 1962, the Tribunal directed another reminder to be sent inviting a reply by 31st October 1962 with a special mention that if no reply is received by them by that date, the case would be taken up and heard. On the latter date, no reply was received and no one was present. It is evident from the foregoing that both the parties-particularly the I Party, have no interest left in the case, possibly on account of the settlement arrived at on 11th August 1962. There is no other evidence before the Tribunal except the letter above said and its accompaniment, the compromise petition. The same is attested by the Notary Public and I see no reason why it should not be acted upon. I accept that it is genuine and that a compromise has been arrived at. In view of the settlement there is nothing more left to be done in respect of the dispute which has been referred to this Tribunal. Hence the Reference is dismissed. No order as to costs. I pass an award accordingly.

S. S. MALIMATH,
Presiding Officer,
Industrial Tribunal, Bangalore.

ORDER No. PLM 276 LLD 61, DATED BANGALORE, THE 12TH DECEMBER 1962.

WHEREAS by State Government Order No. PLM 276 LLD 61, dated the 28th November 1961, the Industrial Dispute between the Workmen and the Management of H. V. R. Coffee Curing Works, Chickmagalur, was referred to the Industrial Tribunal, Bangalore, for adjudication;

AND, WHEREAS the Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

By Order and in the name of the Governor of Mysore,

B. N. RAMA RAO,

*Under Secretary to Government,
Public Health, Labour and
Municipal Administration Department.*

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